



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/146239

PRELIMINARY RECITALS

Pursuant to a petition filed December 26, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability in regard to Medical Assistance, a hearing was held on June 19, 2013, at Sheboygan, Wisconsin.

The issue for determination is whether the agency properly ended the Petitioner's Medicaid benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Vickie Gavin (written submission)

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Sheboygan County.
2. In December, 2012, the agency received notice from the Social Security Administration that the Petitioner was being placed in a non-pay status for SSI benefits effective December 31, 2012.
3. On December 19, 2012, the agency issued a Notice to the Petitioner about her state Supplemental SSI benefits informing her that because her federal SSI cash payments would end, her state

supplemental SSI benefits, including Medicaid would end. It informed her that her Medicaid benefits would extend until January 31, 2013. It also informed the Petitioner that a determination would be made on further eligibility for Medicaid if she completed and returned the enclosed application by January 15, 2013.

4. On May 20, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive State Supplement SSI payments and SSI-related Medicaid. Wis. Stat. § 49.77. The Social Security Administration (SSA) notified the State of Wisconsin that the petitioner is no longer receiving federal SSI cash benefits. Therefore, Petitioner is not currently eligible for State Supplement SSI payments and/or SSI-related Medicaid, and the agency was correct to discontinue those benefits to the petitioner.

It should be noted that Petitioner was instructed to contact the federal Social Security Administration to correct any misinformation regarding the basis for his federal SSI discontinuance. If, at some future date, her federal SSI cash benefits are restored, then the State will restore the state-issued benefits for the period in which she is found eligible by the Social Security Administration. Under the facts in this record, her appeal must be dismissed.

The Petitioner's representative indicated that she has contacted the local county human services agency to make inquiry about Petitioner's potential for eligibility for Medical Assistance via some other criteria. If she has applied, she will receive notice from that agency regarding Medical Assistance eligibility under that criteria.

CONCLUSIONS OF LAW

That the petitioner is not eligible for a State Supplement SSI payment and/or SSI-related Medical Assistance effective December 31, 2012 as she was no longer receiving a federal SSI payment.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

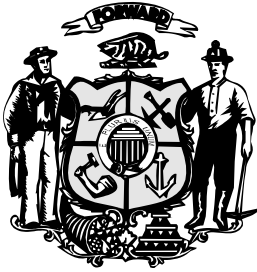
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 21st day of June, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 21, 2013.

Division of Health Care Access And Accountability
State SSI